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ABSTRACT

The total number of children affected by divorce has more than tripled since 1960, even though the total number of children has declined from the 1970s to the 1980s. In 1988 female-headed households with children and no spouse present constituted 44.7 percent of all families at or below the poverty level. The purpose of this paper is to show that inequitable treatment of women in our legal system, directly affects their children's achievement in school as measured by standardized test scores and other measures. Specific educational studies that have been conducted on children of divorce are described, showing lower mean performance IQ, lower SAT scores, and lower educational attainment. This inequity effects children's chances of fulfilling their potentials. It inhibits the United States from competing globally when children are not properly educated to meet the challenges of the future. Contains 11 references. (JBJ)

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A PRELIMINARY INVESTIGATION OF FACTORS AFFECTING EDUCATIONAL
ATTAINMENT OF CHILDREN OF DIVORCE

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ABSTRACT

A PRELIMINARY INVESTIGATION OF FACTORS AFFECTING EDUCATIONAL ATTAINMENT OF CHILDREN OF DIVORCE

The purpose of this paper is to show that inequitable treatment of women in our legal system, directly effects their children's achievement in school as measured by standardized test scores and other measures. This inequity effects children's chances of fulfilling their potentials. It inhibits the United States from competing globally when our children are not properly educated to meet the challenges of the future.

Any bias against women in the judicial system directly affects the well-being of dependent children. There has been much research on the social, financial, psychological and educational hardships on these children over the last decade. In large part these effects are directly linked to the dissolution of the nuclear family through divorce. The judicial "jungle" with its inappropriate and unenforced laws and procedures have served only to exacerbate the deleterious effects on the disrupted families.

Often laws are instituted and decisions made which are based on erroneous assumptions without any awareness of the possible short or long-term consequences of the decisions. The assumption of gender neutral equality which has increasingly become the norm, dismisses the fact that inequality towards women has and still exists in the society at large. It has ignored key factors that are necessary when children are figured into the divorce equation. The children, our "intangible assets," should be the first priority. But, in most cases, they have not and continue to be disregarded.

It is now becoming more evident that the repercussions of these effects are contributing to many of the insidious social problems the United States faces today. According to Sylvia Hewlett (1991),

In 1991, children in the mainstream of our society are at risk in a variety of ways. Compared to a previous generation, these children are more likely to:
underperform at school; commit suicide; need
psychiatric help; suffer a severe eating disorder; bear

a child out of wedlock; take drugs; be the victim of a violent crime. (p. 65)

Apart from the legal system and the general inequality that has prevailed in the American workplace, our government as well, has contributed to the neglect of the family and children. The United States has no family policies. The United States rates last in a comparison with other world democracies. Bauerlein (1991) states,

Sixty-three nations provide family allowance to workers and their children, 70 nations provide medical care and financial assistance to all pregnant women and 17 industrialized nations have paid maternity/paternity leave programs. (p. 19)

My main intention is to describe some of the specific educational studies that have been conducted on children of divorce and the implications for the future of our nation as a whole. I will also discuss some of the factors that correlate highly with educational success as measured by standardized test scores. I would like to add that these factors should be weighed in future court actions and legal decision-making since they ultimately inflict a heavy economic liability on our nation's future prosperity.

First, to indicate the magnitude and scope of this problem, the total number of children affected by divorce has more than tripled since 1960, even though the total number of children has declined from the 1970's to the 1980's. This indicates that the

actual increase is due to the escalating divorce rate. According to a 1983 report by the National Institute of Child Health and Human Development, the projected percent of children who will experience a parental divorce is close to 66 percent. Of the divorced children, close to 90% remain with their mothers. (Hofferth, 1983; Hewlett, 1991; Weitzman, 1989).

The composition of female-headed families indicates that most are the direct result of family disruption. Of all female-headed families, 50 percent are headed by divorced women and 31 percent are headed by separated women. Only 18 percent are headed by unwed mothers. (Weitzman, 1989).

To give a broad indication of the financial situation of the vast number of children of divorce in female-headed households, it was found (Weitzman, 1989) that,

The median income in families headed by women with children under six years of age was only 30 percent of the median income for all families whose children were under six. For the United States as a whole, the income of families headed by women is at best half that of other families: the income of families headed by women with young children is even less, one-third of that of other families. (p. 343)

Leonore Weitzman (1989), author of The Divorce Revolution, concludes that,

whichever figures we use (projections of divorce children percentages and female headed household income

levels), statistics suggest that we are sentencing a sizable proportion of the current generation of American children to lives of financial impoverishment. (p.352)

More recent data indicates that in 1988 female-headed households with children and no spouse present constituted 44.7 percent of all families at or below the poverty level. Furthermore, the United States Census Bureau projects that by the year 2000, the poverty population of the United States will be composed solely of women and children (Davis, 1991; Weitzman, 1989).

Sylvia Hewlett (1991), author of the book When the Bough Breaks, while addressing the economic hardships of children goes further in investigating the educational hardships endured by children of divorce. She states,

While the economic fallout of divorce on children has received wide-spread public attention, the emotional and educational consequences are less well known. There is, however, a great deal of new evidence showing that the breakup of a marriage can trigger severe emotional and intellectual problems for children. (p. 90)

The educational studies I will cite briefly are not all inclusive. However, I believe they provide enough background to show the severity of the problem. Studies relating father absence to standardized test scores have been conducted as far back as the 1960's. It was found that college students who

experienced a prolonged father absence earned significantly lower scores on both the Linguistic and Quantitative sections of the American College Test (ACT) than students whose fathers were present in the home. (Landy et al. 1966, 1967)

A study in 1970 (Lessing et al. 1970) of the Wechsler Intelligence Scale for Children (WISC) which compared intact family to divorced families showed that "father absent children, regardless of sex or social class, earned a lower mean performance IQ score than father-present children." (p. 191)

Further investigations of the correlation to social background and the Scholastic Aptitude Test (SAT) scores have been significant. Carlsmith in 1984 found that boys whose fathers were absent showed a significantly lower quantitative score and higher verbal score on the SAT. Other studies (Belz & Geary, 1984) revealed father's absence was associated with significantly lower quantitative SAT scores for both genders.

More recent studies (Hewlett, 1991) confirm these earlier results,

...Columbia University and Bowling Green State University comparing SAT scores of 295 students from father-absent homes with those of 760 students from father present homes found that father absence had a "dramatic" negative effect on scores, a result that could not be explained away by differences in income. (p. 93)

In terms of level of achievement in school, the National

Association of Elementary School Principals (Hewlett, 1991) stated that,

One-parent children, on the whole, show lower achievement in school than their two-parent peers. Among all two-parent children 30% were ranked as high-achievers, compared to only 17% of one-parent children. At the other end of the scale, the situation is reversed. 23% of two parent children were low achievers while 38% of the one-parent children fell into this category. (p. 93)

Family background matters far more in determining student achievement than any attributes of the formal educational system. "...the home is almost twice as powerful as the school in determining student achievement at age fourteen." Hewlitt (1989) asserts that the,

decline in the educational performance over the past generation which is most pronounced in math and science-seems to be directly related to the rapid increase in the number of father-absent households. (p. 94)

Another study (Milne, 1983), sponsored by the Department of Education in 1983, on the Comprehensive Test of Basic Skills (CTBS) scores of elementary students in relationship to family background factors indicated that one of the most important factors was family income. The effect of the number of parents influenced family income which in turn affected other factors that directly or indirectly effect student achievement. The

lower the family income the lower the child scored on the CTBS.

This relationship of income and educational success was one factor examined in a national longitudinal study conducted in 1988 of 2500 boys and girls. It was postulated (Krein & Beller, 1988) that "reduction of parental resources for human capital investment in children living in a single-parent family should lower their educational attainment." (p. 221) It was concluded in the same study that,

The negative effect (on educational attainment)[as measured by number of years of education completed] of living in a single-parent family (1) increases with the number of years spent in this type of family, (2) is greatest during the preschool years, and (3) is larger for boys than girls. (p. 221)

A number of researchers have concluded from their findings that female-headed households make up a disproportionate and increasing share of persons in poverty. Educational advancement is one way to break the cycle of poverty, yet female-headed household children get significantly less of it. Thus, if the resources were made available to female-headed households at a significant level to ensure and enable children to live at an acceptable level, they may then be able to attain the education necessary to break the "vicious cycle of poverty" (Krein & Beller, 1988; Hewlett, 1991).

The research I have cited supports the premise that as income increases, educational opportunities and test scores

increase and, thus, educational success. A lack of education has been shown to be a predictor of persistent poverty (Krein & Beller, 1988). In other words, a lack of education, caused by a lack of adequate income, contributes to children in poverty and lower educational attainment. It is therefore incumbent upon the courts to generously compensate women and children so that they may be able to provide optimal educational opportunities. This would include but not be limited to costs for day care, enrichment programs, trade schools, college and other relevant programs.

In a comparison with eleven other industrialized countries, the United States is last in math and science. We have dropped from eighteenth to forty-ninth place among nations in terms of the proportion of the population that is literate. Average SAT scores remain 70 points below those of 25 years ago (Hewlett, 1991). In terms of future economic growth in this country, top companies can not find educated workers to perform entry level tasks in their companies.

This has become an national emergency, especially in light of the international embarrassment caused by the Japanese attack on the U.S. and it's uneducated workers. Unlike the Japanese who have a strong family structure and invest heavily in their human capital, our government, our judicial system, our employers have disregarded the importance of safeguarding, nurturing and improving human resources in this country.

According to Kevin Phillips, author of the book Prosperity

Lost, the down fall of the English Empire was directly related to the deprivation and neglect of the English children. It seems at that time, England was not able to compete technologically with the United States because the youth of England were not highly educated. This cycle is being repeated, not in England, but this time in the U.S. We are neglecting the welfare and education of our children. We are not a "kinder, more gentle society" but a society that has and continues to abuse and neglect our children and therefore the future prosperity of our nation.

In fact, the neglect of the well-being of children, I feel, is a threat to the very foundation of democracy. As educational and economic well-being declines, scapegoating and violence increases. A lack of educational attainment can result in diminished critical reasoning ability in ascertaining cause and effect relationships, analyzing any media information and objectively assessing various choices at the personal, community and national levels. Note the current escalation of violent acts directed against specific ethnic and racial groups justified on erroneous economic conclusions and out-moded myths. If the President or other important political person makes a rhetorical statement or speech to the media, regardless of the truth of the original or media edited end-product of the statement, the majority will believe the premise presented with little or not real assessment of the premise. This phenomena, I feel, is the biggest threat to the preservation our democratic way of life.

Apart from the financial and educational hardship our

children endure, there are a number of other insidious problems that have arisen. Children were found to be twice as likely to drink or take drugs if they were left unsupervised after school. Children of divorced families with inadequate incomes suffer substantially higher levels of anxiety-depression. Of teenagers under psychiatric treatment, 80% are from divorced families. Children of divorce suffer more profoundly from feelings of anxiety, anger, isolation, self-blame and low self-esteem (Hewlett, 1991; Weitzman, 1989; Wallerstein, 1989).

According to a recent Wall Street Journal article, entitled "Non-traditional Homes Can Hurt Kids' Health," children from non-traditional homes are more likely to have injury or accidents, asthma, repetition of grade work, and school suspension and expulsion.

The judicial system has played a large part in this transgression of our children's well-being. Over the past decade researchers have shown fairly conclusively that divorce agreements had inadequate and/or unenforced child support awards with inadequate or non-existent alimony. Inadequate and unpaid medical expenses are the norm, inadequate and unenforced life insurance policies maintained. Property rights of children are non-existent. According to Weitzman (1989),

One effect of the American rule is to "disenfranchise" the children of divorce. In England, they are seen as entitled to a share of the family property, or at least to have their interests considered in the distribution

of property. They have no such rights in the United States. (p. 105)

Property in the United States is divided with no regard to the necessity of maintaining any standard of living for the disrupted family or children. Cost of living clauses are non-existent, sentencing women and children to an eroding and meager standard of living. Income distribution cases investigated in California by Weitzman (1989) showed that income distribution by per capita or standard of living indexes resulted in grossly inadequate standards for the women and children and higher standards for the male. There was a 48% increase in the father's standard of living while the mother and children suffered a 78% decrease in their standard of living. After a number of years without a cost of living clause, the disparity in standard of living widens due to inflation.

Magnifying this inequality, women still face equality issues in the workplace with underemployment, underpay (60/40 income gap) and the "glass-ceiling effect" in promotion. Additionally, she has the responsibility for children which restricts, according to Weitzman (1989),

...her work schedule and location, her availability for overtime, and her freedom to take advantage of special training, travel assignments and other opportunities for career advancement. (p. 342)

It remains to be seen whether current reforms in New York State with the introduction of the New Child Support Standards

may alleviate problems for the current and future cases that will be processed in the system. However, there still remains a vast number of children who have been doomed to a deteriorating life style due to pre-equitable distribution and pre-1989 child support standards. Modification of early orders are difficult and costly. Opinions of attorneys, and judicial discretion in applying laws appear to be extremely varied. The burden of proof remains on the women and the premise in the courts appears to be only to maintain "adequate" support for the children.

"Unreasonable or unforeseen circumstances" must be shown to have occurred with a wide latitude in judicial and legal interpretation of these phrases. This system does not facilitate or foster optimal treatment of our children but a bare minimal standard for their care.

In terms of educational advancement beyond high school, Wallerstein (1989), who studied 60 middle-class families where one or both parents had college degrees, two-thirds of the fathers offered no financial assistance for college. Of those attending college, one out of ten received full financial support from one or both parents. In fact, many were denied financial aid because their fathers earned too much money to qualify. She found few divorce settlements with any arrangements for college. Furthermore Wallerstein (1989) found,

...60 percent [of the children] are on a downward educational course compared to their fathers and 45 percent are on a similarly downward course compared with their

mothers. (p. 157)

This country's technological future and competitive edge is and will continue to suffer if we do not provide optimal educational opportunities for our children. I have attempted to ascertain to what real extent the legal system in this county provides for educational expenses for children of divorce. Once again, opinions varied markedly and cases I personally know about do not reflect the public opinion. Of the cases I am familiar with, college was not considered in the agreements even though all of the children were originally from upper-middle class families.

According to telephone interviews with various local attorneys, once again, a wide variety of opinions were expressed. According to one attorney if joint income was equal to or exceeded \$100,000 and both or one parent was a college graduate, then college was part of the agreement. If income was \$50,000 and one or both parents were not college graduates, then no provision was made for college. According to this standard, regardless of aptitude or ability, the children are handicapped educationally. This barely maintains the status quo and denies capable children from maximum parental assistance in meeting college costs.

In conclusion, equitable terms must be sought in family judicial actions, favoring the wellbeing of the children first. Financial support provisions should be realistically determined and include cost of living clauses. Settlements should not be

based on the political affiliation or financial power of either party or attorney. The judicial system should address the needs of the children to insure their optimal potential development. Additionally, judges and attorneys need to be educated in sociological, educational and psychological issues surrounding children's developmental issues.

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